

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
:
V. : CRIMINAL NUMBER 20-063-1
:
:
:
JONATHAN NYCE :
:

O R D E R

AND NOW, this day of , 2022, upon consideration of the Defendant's Motion for Continuance of Trial and to Reset Deadlines, it is hereby **ORDERED** that the motion is **GRANTED**. The Court finds that the parties need additional time to determine whether a non-trial disposition can be negotiated and, if not, the defense needs more time to prepare for trial, and the defendant to recover from serious illnesses. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial.

Trial in this matter shall begin on the day of , 2023.

BY THE COURT:

THE HONORABLE WENDY BEETLESTONE
United States District Court Judge

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V.	:	CRIMINAL NUMBER 20-063-1
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**DEFENDANT'S MOTION FOR CONTINUANCE OF TRIAL
BASED ON THREE ISSUES: LATE ARRIVAL OF "SUPPLEMENTAL" DISCOVERY
FROM THE GOVERNMENT; DIFFICULTY IN WITNESS CONTACT OVER THE
SUMMER; AND UNRESOLVED HEALTH ISSUES**

Jonathan Nyce, pro se defendant in this case, respectfully requests that the Court continue the trial and reset the deadlines in the above-captioned matter. In support of these requests, it is stated:

1. Only last week, Dr. Nyce was informed by the government that he would be receiving “supplemental discovery” that was “inadvertently” omitted from the original discovery materials he received. The government in this case is skilled, making it virtually impossible that the late nature of the new discovery materials was “inadvertent.” Such late arrival was clearly strategic, intended to disrupt Dr. Nyce’s *pro se* defense, which it has done. It is respectfully submitted that such tactics should not be tolerated by the Court.
2. Dr. Nyce has not yet received a list of the government’s intended witnesses, which he needs to construct his own witness list. This delay, too, disrupts Dr. Nyce’s *pro se* defense.
3. Dr. Nyce continues to struggle with serious, life-threatening illnesses. He suffered a near-fatal aortic section which is being monitored by CAT scan. This aortic

dissection requires dangerous surgical replacement of his abdominal aorta, followed by a similar procedure to reconstruct his damaged thoracic aorta. These surgeries are not yet planned, but Dr. Nyce is experiencing issues which indicate that they could occur in the near future. Dr. Nyce also had almost half of his colon removed due to a dramatic inflammatory reaction probably resulting from a viral infection, leaving him in a weakened condition from which he has not yet fully recovered. These issues have significantly hampered Dr. Nyce's preparation for trial. Documentation of these illnesses can be made available to the Court by giving the Court access to Dr. Nyce's electronic account at MyEinsteinHealth, where his records are kept. User name and password for this account will be provided to the Court upon request. These unresolved illnesses put Dr. Nyce at much increased risk for serious COVID illness.

4. Dr. Nyce can promise that this is the last continuance he will request, and requests that this continuance to be for 90 days so that all of the above issues can be resolved.
5. Christopher E. Parisi, Assistant United States Attorney, opposes this motion, despite his late transmittal of critical documents.
6. *Pro se* Defendant stipulates that the time from the filing of this motion until the trial date is excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

WHEREFORE, for the foregoing reasons, the defense respectfully requests that the above motions be granted.

Respectfully submitted,


Jonathan W. Nyce
pro se

Digitally signed by
Jonathan W Nyce
Date: 2022.09.06
Time: 33:10 -04'00'

CERTIFICATE OF SERVICE

I, Jonathan Nyce, pro se Defendant in this case, hereby certify that I filed the attached Defendant's Motion for Continuance of Trial and to Reset Deadlines via the Court's Electronic Filing (ECF) system, which sent notification to Christopher E. Parisi, Assistant United States Attorney, Suite 1250, 615 Chestnut Street, Philadelphia, Pennsylvania 19106, via his email address Christopher.Parisi@usdoj.gov.

From: Jonathan Nyce <nyce.jonathan@acgt.us>
Sent: Tuesday, September 6, 2022 11:50 AM
To: PAED Documents
Cc: MacEoin, Nancy (FD)
Subject: Dr. Jonathan Nyce's Motion for Continuance of case 20-063-1 before Judge Wendy Beetlestone
Attachments: Nyce Motion to Continue of Trial 09 06 2022A.pdf

CAUTION - EXTERNAL:

Dear Sir or Madam;
Please find attached defendant's pro se motion for continuance of trial, case 20-063-1, before Judge Wendy Beetlestone.
Thank you for your assistance.
Sincerely,
Dr. Jonathan Nyce

Sent from [Mail](#) for Windows

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.